

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**APEX INTERNATIONAL, LLC AND
GREG LINDBERG,**

Plaintiffs,

v.

**JEFFREY SERBER and
TRENT TRENNEPOHL**

Defendants.

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Case No.: 3:19-cv-02242-K

**DEFENDANT SERBER'S SUPPLEMENTAL REPLY IN SUPPORT OF SECOND
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND,
ALTERNATIVELY, TO SEVER AND THEREAFTER DISMISS OR,
ALTERNATIVELY, TRANSFER VENUE**

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Defendant Jeffrey Serber (“Serber”), through undersigned counsel, respectfully files this Supplemental Reply in support of his Motion¹ to dismiss the Verified Second Amended Complaint (ECF No. 18, “Complaint”) of Plaintiffs Apex International, LLC (“Apex”) and Greg Lindberg (“Lindberg” and collectively “Plaintiffs”). Defendant Serber files this Supplemental Reply in light of the Entry of Default entered by the Clerk of Court for the Northern District of Texas with respect to Defendant Trent Trennepohl (“Trennepohl”) on January 2, 2020. ECF No. 29.

Defendant Serber filed his Motion on November 19, 2019 (ECF No. 25) and his Reply in support of same (ECF No. 27) on December 23, 2019. In these filings Serber asked the Court to sever Plaintiffs’ case against him from the case asserted against Trennepohl under Rules 20 and 21 of the Federal Rules of Civil Procedure (“Rules”). *See* Mot. at § C(1). The Entry of Default has the same effect as a severance of the claims against the two named Defendants. Because the Plaintiffs’ case against Trennepohl has concluded through default, the Court should disregard Trennepohl’s inclusion in the lawsuit when analyzing venue under 28 U.S.C. § 1391(b) and dismiss the case against Serber pursuant to Rule 12(b)(3) and 28 U.S.C. § 1406(a).

¹ Capitalized terms not defined herein have the same meaning given to them in Serber’s Motion to dismiss the Verified Second Amended Complaint (ECF No. 25).

Dated: January 6, 2020

Respectfully submitted,

THE TAYLOR LAW OFFICES, PC

By: /s/ Thomas L. Taylor III

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COUNSEL FOR DEFENDANT
JEFFREY SERBER

CERTIFICATE OF SERVICE

I certify that on January 6, 2020 I filed the foregoing document through the Court's CM/ECF filing system and electronically provided it to Defendant Trennepohl (with written consent), which satisfies service requirements under FED. R. CIV. P. 5(b)(2)(E).

/s/ Thomas L. Taylor III

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